



CO00043989

1 Adopted: 08/27/14

2 Effective: 09/13/14

3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6 ORDINANCE NO. 14-053
7

8 CORRECTING INADVERTENT ERRORS IN THE UNIFIED DEVELOPMENT CODE,
9 AMENDING SECTIONS 30.22.130, 30.23.110, 30.25.036, 30.28.090, 30.41A.250,
10 30.63B.270, 30.66C.100 AND 30.86.310 OF THE SNOHOMISH COUNTY CODE,
11 AND REPEALING CHAPTER 30.34B SCC AND SCC 30.91F.450
12

13 WHEREAS, on December 9, 2002, the county adopted title 30 of the Snohomish
14 County Code ("SCC") to consolidate and streamline county land use and development
15 codes to eliminate duplication, inconsistency, and ambiguity; and
16

17 WHEREAS, the county has identified certain inadvertent errors and
18 inconsistencies in title 30 SCC that cannot be addressed by the county code reviser
19 through the authority established in SCC 1.02.020(2); and
20

21 WHEREAS, the inadvertent errors and inconsistencies identified for correction in
22 this ordinance include typographical errors, outdated or inaccurate citations and cross-
23 references, and outdated, inaccurate or redundant language inadvertently left in the
24 code during previous amendments; and
25

26 WHEREAS, the county has conducted early and continuous public participation
27 with respect to the code amendments contained in this ordinance; and
28

29 WHEREAS, the Snohomish County Planning Commission ("planning
30 commission") held a public hearing on May 27, 2014, to receive public testimony
31 concerning the code amendments contained in this ordinance; and
32

33 WHEREAS, at the conclusion of the planning commission's public hearing, the
34 planning commission voted to recommend approval of the code corrections with
35 amendments contained in this ordinance, as set forth in its recommendation letter dated
36 May 29, 2014; and
37

38 WHEREAS, on August 27, 2014, the county council held a public hearing after
39 proper notice, heard public testimony related to the code amendments contained in this
40 ordinance, and considered the entire record, including the planning commission's
41 recommendations on the code amendments contained in this ordinance; and
42

43 WHEREAS, the county council concludes that title 30 SCC should be amended
44 as set forth herein.
45

1
2 NOW, THEREFORE, BE IT ORDAINED:
3

4 Section 1. The county council adopts the foregoing recitals as findings of fact as if set
5 forth in full herein.
6

7 Section 2. The county council makes the following additional findings of fact:
8

9 A. This ordinance will amend Title 30 of the SCC.

- 10 1. This ordinance will amend portions of SCC 30.22.130, 30.23.110,
11 30.25.036, 30.28.090, 30.41A. 250, 30.63B.270 and 30.86.310, which
12 require either correction of an obvious error or clarification of wording.
13
14 2. This ordinance will amend SCC 30.66C.100, which contains an error in
15 the amount of school impact fee for the City of Mukilteo.
16
17 3. This ordinance will repeal chapter 30.34B SCC and SCC 30.91F.450
18 because of "sunset" provisions in the code.
19

20 B. This proposal is consistent with the following goals, objectives, and policies
21 contained in the County's Growth Management Act ("GMA") Comprehensive
22 Plan:

- 23 1. Goal ED 1 "Promote the maintenance and enhancement of a healthy
24 economy."
25
26 2. Goal ED 2 "Provide a planning and regulatory environment which
27 facilitates growth of the local economy."
28
29 3. Objective ED 2.A "Develop and maintain a regulatory system that is fair,
30 understandable, coordinated and timely."
31
32 4. ED Policy 2.A.1 "Snohomish County shall ensure that revisions to the
33 Snohomish County Code result in a more understandable, accessible, and
34 user friendly document which eliminates unnecessary and clarifies
35 confusing code provisions."
36
37 5. ED Policy 2.A.2 "Snohomish County should stress predictability but
38 maintain enough flexibility in the Comprehensive Plan and development
39 codes to allow for timely response to unanticipated and desirable
40 developments."
41
42
43
44

1
2 C. Procedural requirements.

3 1. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance
4 was transmitted to the Washington State Department of Commerce for
5 distribution to state agencies on April 23, 2014.

6
7 2. Pursuant to Chapter 43.21C RCW, a State Environmental Policy Act
8 ("SEPA") threshold Determination of Nonsignificance for the code
9 amendments contained in this ordinance was issued on May 11, 2014.

10
11 3. The public participation process used in the adoption of this ordinance has
12 complied with all applicable requirements of the GMA and the SCC.

13
14 D. These amendments are consistent with the record.

15 1. On December 9, 2002, the county adopted the Unified Development Code
16 ("UDC") in Title 30 of the SCC to consolidate and streamline county land
17 use and development codes to eliminate duplication, inconsistency, and
18 ambiguity.

19 2. This ordinance will amend or repeal several Sections of Title 30 SCC to
20 correct inadvertent errors, omissions and inconsistencies.

21
22 Section 3. Based on the foregoing findings of fact, the council makes the following
23 conclusions:

24
25 A. The proposal is consistent with the goals, objectives and policies of the County's
26 GMA Comprehensive Plan.

27
28 B. The proposal is consistent with Washington State law and the Snohomish County
29 Code.

30
31 C. The County has complied with all SEPA requirements in respect to this non-
32 project action.

33
34 D. This ordinance is necessary to correct certain inadvertent errors in Title 30 SCC
35 which cannot be addressed by the county code reviser through the authority in
36 SCC 1.02.020(2).

37
38 Section 4. Snohomish County Code Section 30.22.130, last amended by Amended
39 Ordinance No. 13-100 on January 8, 2014, is amended to read:

40
41 **30.22.130 Reference notes for use matrix.**

42 (1) Airport, Stage 1 Utility:

43 (a) Not for commercial use and for use of small private planes;

44 (b) In the RU zone, they shall be primarily for the use of the resident property owner;
45 and

(c) When the airport is included in an airport, the disclosure requirements of SCC 30.28.005 shall apply.

(2) Day Care Center:

(a) In WFB, R-7,200, R-8,400, R-9,600, R-12,500, R-20,000, and SA-1 zones, shall only be permitted in connection with and secondary to a school facility or place of worship; and

(b) Outdoor play areas shall be fenced or otherwise controlled, and noise buffering provided to protect adjoining residences.

(3) Dock and Boathouse, Private, Non-commercial: The following standards apply outside of shoreline jurisdiction only. If located within shoreline jurisdiction, the standards in SCC 30.67.515 apply instead.

(a) The height of any covered over-water structure shall not exceed 12 feet as measured from the line of ordinary high water;

(b) The total roof area of covered, over-water structures shall not exceed 1,000 square feet;

(c) The entirety of such structures shall have a width no greater than 50 percent of the width of the lot at the natural shoreline upon which it is located;

(d) No over-water structure shall extend beyond the mean low water mark a distance greater than the average length of all preexisting over-water structures along the same shoreline and within 300 feet of the parcel on which proposed. Where no such preexisting structures exist within 300 feet, the pier length shall not exceed 50 feet;

(e) Structures permitted hereunder shall not be used as a dwelling, nor shall any boat moored at any wharf be used as a dwelling while so moored; and

(f) Covered structures are subject to a minimum setback of three feet from any side lot line or extension thereof. No side yard setback shall be required for uncovered structures. No rear yard setback shall be required for any structure permitted hereunder.

(4) Dwelling, Single family: In PCB zones, shall be allowed only if included within the same structure as a commercial establishment. In the MHP zone, single family detached dwellings are limited to one per existing single legal lot of record.

(5) See chapter 30.31E SCC for rezoning to Townhouse zone, and chapter 30.23A SCC for design standards applicable to townhouse and attached single-family dwelling development.

(6) Dwelling, Mobile Home:

(a) Shall be multi-sectioned by original design, with a width of 20 feet or greater along its entire body length;

(b) Shall be constructed with a non-metallic type, pitched roof;

(c) Except where the base of the mobile home is flush to ground level, shall be installed either with:

(i) skirting material which is compatible with the siding of the mobile home; or

(ii) a perimeter masonry foundation;

(d) Shall have the wheels and tongue removed; and

(e) In the RU zone the above only applies if the permitted lot size is less than 20,000 square feet.

(7) Fallout Shelter, Joint, by two or more property owners:

Side and rear yard requirements may be waived by the department along the boundaries lying between the properties involved with the proposal, and zone; provided that its function as a shelter is not impaired.

(8) Family Day Care Home:

(a) No play yards or equipment shall be located in any required setback from a street; and

(b) Outdoor play areas shall be fenced or otherwise controlled.

(9) Farm Stand:

(a) There shall be only one stand on each lot; and

(b) At least 50 percent by farm product unit of the products sold shall be grown, raised or harvested in Snohomish County, and 75 percent by farm product unit of the products sold shall be grown, raised, or harvested in the State of Washington.

(10) Farm Worker Dwelling:

(a) At least one person residing in each farm worker dwelling unit shall be employed full time in the farm operation;

(b) An agricultural farm worker dwelling unit affidavit must be signed and recorded with the county attesting to the need for such dwellings to continue the farm operation;

(c) The number of farm worker dwellings shall be limited to one per each 40 acres under single contiguous ownership to a maximum of six total dwellings, with 40 acres being required to construct the first accessory dwelling unit. Construction of the maximum number of dwelling units permitted shall be interpreted as exhausting all residential potential of the land until such time as the property is legally subdivided; and

(d) All farm worker dwellings must be clustered on the farm within a 10-acre farmstead which includes the main dwelling. The farmstead's boundaries shall be designated with a legal description by the property owner with the intent of allowing maximum flexibility while minimizing interference with productive farm operation. Farm worker dwellings may be located other than as provided for in this subsection only if environmental or physical constraints preclude meeting these conditions.

(11) Home Occupation: See SCC 30.28.050.

(12) Kennel, Commercial: There shall be a five-acre minimum lot area; except in the R-5 and RD zones, where 200,000 square feet shall be the minimum lot area.

(13) Kennel, Private-breeding, and Kennel, Private Non-breeding: Where the animals comprising the kennel are housed within the dwelling, the yard or some portion thereof shall be fenced and maintained in good repair to contain or to confine the animals upon the property and restrict the entrance of other animals.

1 (14) Parks, Publicly-owned and Operated:

- 2 (a) No bleachers are permitted if the site is less than five acres in size;
3 (b) All lighting shall be shielded to protect adjacent properties; and
4 (c) No amusement devices for hire are permitted.
5

6 (15) Boarding House: There shall be accommodations for no more than two persons.
7

8 (16) RESERVED for future use (Social Service Center - DELETED by Amended Ord.
9 04-010 effective March 15, 2004)
10

11 (17) Swimming/Wading Pool (not to include hot tubs and spas): For the sole use of
12 occupants and guests:

13 (a) No part of the pool shall project more than one foot above the adjoining ground
14 level in a required setback; and

15 (b) The pool shall be enclosed with a fence not less than four feet high, of sufficient
16 design and strength to keep out children.
17

18 (18) Temporary Dwelling for a Relative:

19 (a) The dwelling shall be occupied only by a relative, by blood or marriage, of the
20 occupant(s) of the permanent dwelling;

21 (b) The relative must receive from, or administer to, the occupant of the other dwelling
22 continuous care and assistance necessitated by advanced age or infirmity;

23 (c) The need for such continuous care and assistance shall be attested to in writing by
24 a licensed physician;

25 (d) The temporary dwelling shall be occupied by not more than two persons;

26 (e) Use as a commercial rental unit shall be prohibited;

27 (f) The temporary dwelling shall be situated not less than 20 feet from the permanent
28 dwelling on the same lot and shall not be located in any required yard of the principal
29 dwelling;

30 (g) A land use permit binder shall be executed by the landowner, recorded with the
31 Snohomish County auditor and a copy of the recorded document submitted to the
32 department for inclusion in the permit file;

33 (h) Adequate screening, landscaping, or other measures shall be provided pursuant to
34 SCC 30.25.028 to protect surrounding property values and ensure compatibility with the
35 immediate neighborhood;

36 (i) An annual renewal of the temporary dwelling permit, together with recertification of
37 need, shall be accomplished by the applicant through the department in the same
38 month of each year in which the initial mobile home/building permit was issued;

39 (j) An agreement to terminate such temporary use at such time as the need no longer
40 exists shall be executed by the applicant and recorded with the Snohomish County
41 auditor; and

42 (k) Only one temporary dwelling may be established on a lot. The temporary dwelling
43 shall not be located on a lot on which a detached accessory apartment is located.
44

45 (19) Recreational Vehicle:

- 46 (a) There shall be no more than one per lot;

(b) Shall not be placed on a single site for more than 180 days in any 12-month period; and

(c) Shall be limited in the floodways to day use only (dawn to dusk) during the flood season (October 1st through March 30th) with the following exceptions:

(i) Recreational vehicle use associated with a legally occupied dwelling to accommodate overnight guests for no more than a 21-day period;

(ii) Temporary overnight use by farm workers on the farm where they are employed subject to subsections (19)(a) and (b) of this section; and

(iii) Subject to subsections (19)(a) and (b) of this section (~~and SCC 30.22.120(7)(b))~~), temporary overnight use in a mobile home park, which has been in existence continuously since 1970 or before, that provides septic or sewer service, water and other utilities, and that has an RV flood evacuation plan that has been approved and is on file with the department of emergency management and department of planning and development services.

(20) Ultralight Airpark:

(a) Applicant shall submit a plan for the ultralight airpark showing the location of all buildings, ground circulation, and parking areas, common flight patterns, and arrival and departure routes;

(b) Applicant shall describe in writing the types of activities, events, and flight operations which are expected to occur at the airpark; and

(c) Approval shall be dependent upon a determination by the county decision maker that all potential impacts such as noise, safety hazards, sanitation, traffic, and parking are compatible with the site and neighboring land uses, particularly those involving residential uses or livestock or small animal husbandry; and further that the proposed use can comply with Federal Aviation Administration regulations (FAR Part 103), which state that ultralight vehicle operations will not:

(i) create a hazard for other persons or property;

(ii) occur between sunset and sunrise;

(iii) occur over any substantially developed area of a city, town, or settlement, particularly over residential areas or over any open air assembly of people; or

(iv) occur in an airport traffic area, control zone, terminal control area, or positive control area without prior authorization of the airport manager with jurisdiction.

(21) Craft Shop:

(a) Articles shall not be manufactured by chemical processes;

(b) No more than three persons shall be employed at any one time in the fabricating, repair, or processing of materials; and

(c) The aggregate nameplate horsepower rating of all mechanical equipment on the premises shall not exceed two.

(22) Grocery and Drug Stores: In the FS zone, there shall be a 5,000-square foot floor area limitation.

(23) Motor Vehicle and Equipment Sales: In the CB and CRC zone, all display, storage, and sales activities shall be conducted indoors.

1
2 (24) Race Track: The track shall be operated in such a manner so as not to cause
3 offense by reason of noise or vibration beyond the boundaries of the subject property.
4

5 (25) Rural Industry:

6 (a) The number of employees shall not exceed 10;

7 (b) All operations shall be carried out in a manner so as to avoid the emission or
8 creation of smoke, dust, fumes, odors, heat, glare, vibration, noise, traffic, surface water
9 drainage, sewage, water pollution, or other emissions which are unduly or unreasonably
10 offensive or injurious to properties, residents, or improvements in the vicinity;

11 (c) The owner of the rural industry must reside on the same premises as the rural
12 industry and, in the RD zone, the residence shall be considered as a caretaker's
13 quarters; and

14 (d) Outside storage, loading or employee parking in the RD zone shall provide 15-foot
15 wide Type A landscaping as defined in SCC 30.25.017.
16

17 (26) Sawmill, Shake and Shingle Mill:

18 (a) Such uses shall not include the manufacture of finished wood products such as
19 furniture and plywood, but shall include lumber manufacturing;

20 (b) The number of employees shall not exceed 25 during any eight-hour work shift;

21 (c) All operations shall be carried out in a manner so as to avoid the emission or
22 creation of smoke, dust, fumes, odors, heat, glare, vibration, noise, traffic, surface water
23 drainage, sewage, water pollution, or other emissions which are unduly or unreasonably
24 offensive or injurious to properties, residents or improvements in the vicinity; and

25 (d) Sawmills and shakemills adjacent to a state highway in the RU zone shall provide
26 25 feet of Type A landscaping as defined in SCC 30.25.017.
27

28 (27) Governmental and Utility Structures and Facilities:

29 Special lot area requirements for this use are contained in SCC 30.23.200.
30

31 (28) Excavation and Processing of Minerals:

32 (a) This use, as described in SCC 30.31D.010(2), is allowed in the identified zones
33 only where these zones coincide with the mineral lands designation in the
34 comprehensive plan (mineral resource overlay or MRO), except for the MC zone where
35 mineral lands designation is not required.

36 (b) An Administrative Conditional Use Permit or a Conditional Use Permit is required
37 pursuant to SCC 30.31D.030.

38 (c) Excavation and processing of minerals exclusively in conjunction with forest
39 practices regulated pursuant to chapter 76.09 RCW is permitted outright in the Forestry
40 zone.
41

42 (29) Medical Clinic, Licensed Practitioner: A prescription pharmacy may be permitted
43 when located within the main building containing licensed practitioner(s).
44

1 (30) Forest Industry Storage & Maintenance Facility (except harvesting) adjacent to
2 property lines in the RU zone shall provide 15-foot wide Type A landscaping as defined
3 in SCC 30.25.017.

4
5 (31) Boat Launch Facilities, Commercial or Non-commercial:

6 (a) The hearing examiner may regulate, among other factors, required launching
7 depth, lengths of existing docks and piers;

8 (b) Off-street parking shall be provided in an amount suitable to the expected usage of
9 the facility. When used by the general public, the guideline should be 32 to 40 spaces
10 capable of accommodating both a car and boat trailer for each ramp lane of boat access
11 to the water;

12 (c) A level vehicle-maneuvering space measuring at least 50 feet square shall be
13 provided;

14 (d) Pedestrian access to the water separate from the boat launching lane or lanes may
15 be required where it is deemed necessary in the interest of public safety;

16 (e) Safety buoys shall be installed and maintained separating boating activities from
17 other water-oriented recreation and uses where this is reasonably required for public
18 safety, welfare, and health; and

19 (f) All site improvements for boat launch facilities shall comply with all other
20 requirements of the zone in which it is located.

21
22 (32) Campground:

23 (a) The maximum overall density shall be seven camp or tent sites per acre; and

24 (b) The minimum site size shall be 10 acres.

25
26 (33) Commercial Vehicle Home Basing:

27 (a) The vehicles may be parked and maintained only on the property wherein resides a
28 person who uses them in their business;

29 (b) Two or more vehicles may be so based; and

30 (c) The vehicles shall be in operable conditions.

31
32 (34) Distillation of Alcohol:

33 (a) The distillation shall be from plant products, for the purpose of sale as fuel, and for
34 the production of methane from animal waste produced on the premises;

35 (b) Such distillation shall be only one of several products of normal agricultural
36 activities occurring on the premises; and

37 (c) By-products created in this process shall be used for fuel or fertilizer on the
38 premises.

39
40 (35) RESERVED for future use (Group Care Facility - DELETED by Amended Ord. 04-
41 010 effective March 15, 2004)

42
43 (36) Mobile Home and Travel Trailer Sales:

44 (a) Property shall directly front upon a principal or minor arterial in order to reduce
45 encroachment into the interior of IP designated areas;

(b) The hearing examiner shall consider the visual and aesthetic characteristics of the use proposal and determine whether nearby business and industrial uses, existing or proposed, would be potentially harmed thereby. A finding of potential incompatibility shall be grounds for denial;

(c) The conditional use permit shall include a condition requiring mandatory review by the hearing examiner at intervals not to exceed five years for the express purpose of evaluating the continued compatibility of the use with other IP uses. The review required herein is in addition to any review which may be held pursuant to SCC 30.42B.100, SCC 30.42C.100 and SCC 30.43A.100;

(d) Such use shall not be deemed to be outside storage for the purpose of SCC 30.25.024; and

(e) Such use shall be temporary until business or industrial development is timely on the site or on nearby IP designated property.

(37) Small Animal Husbandry: There shall be a five-acre minimum site size.

(38) Mobile Home Park: Such development must fulfill the requirements of chapter 30.42E SCC.

(39) Sludge Utilization: See SCC 30.28.085.

(40) Homestead Parcel: See SCC 30.28.055.

(41) Special Setback Requirements for this use are contained in SCC 30.23.110 or SCC 30.67.515 if within shoreline jurisdiction.

(42) Minimum Lot Size for duplexes shall be one and one-half times the minimum lot size for single family dwellings. In the RU zone, this provision only applies when the minimum lot size for single family dwellings is 12,500 square feet or less.

(43) Petroleum Products and Gas, Bulk Storage:

(a) All above ground storage tanks shall be located 150 feet from all property lines; and

(b) Storage tanks below ground shall be located no closer to the property line than a distance equal to the greatest dimensions (diameter, length or height) of the buried tank.

(44) Auto Wrecking Yards and Junkyards: A sight-obscuring fence a minimum of seven feet high shall be established and maintained in the LI zone. For requirements for this use, SCC 30.25.020 and 30.25.050 apply.

(45) Antique Shops: When established as a home occupation as regulated by SCC 30.28.050(1); provided further that all merchandise sold or offered for sale shall be predominantly "antique" and antique-related objects.

(46) Billboards: See SCC 30.27.080 for specific requirements.

- (47) Nursery, Wholesale: In R-20,000 zone, a wholesale nursery is permitted on three acres or more; a conditional use permit is required on less than three acres.
- (48) Stockyard and Livestock Auction Facility: The minimum lot size is 10 acres.
- (49) Restaurants and Personal Service Shops: Located to service principally the constructed industrial park uses.
- (50) Sludge Utilization: A conditional use permit is required for manufacture of materials by a non-governmental agency containing stabilized or digested sludge for a public utilization.
- (51) Single Family and Multifamily Dwellings: A prohibited use, except for the following:
- (a) Existing dwellings that are nonconforming as a result of a county-initiated rezone to BP may make improvements or additions provided such improvements are consistent with the bulk regulations contained in chapter 30.23 SCC; provided further that such improvements do not increase the ground area covered by the structural portion of the nonconforming use by more than 100 percent of that existing at the existing date of the nonconformance; and
 - (b) New single family and multifamily dwellings in the BP zone authorized pursuant to the provisions of SCC 30.31A.140.
- (52) Greenhouses, Lath Houses, and Nurseries:
- (a) Incidental sale of soil, bark, fertilizers, plant nutrients, rocks, and similar plant husbandry materials is permitted;
 - (b) Incidental sale of garden tools and associated gardening accessories shall be permitted; however, the sale of motorized landscaping equipment such as lawn mowers, weed eaters, edgers, and rototillers shall be prohibited;
 - (c) There shall be no on-site signs advertising uses other than the principal use; and
 - (d) Incidental sales of garden tools and associated gardening accessories shall be less than 25 percent of the sales of products produced in the greenhouse, lath house, or nursery.
- (53) Retail Store: See SCC 30.31A.120 for specific requirements for retail stores in the BP zone.
- (54) Retail Sales of Hay, Grain, and Other Livestock Feed are permitted on site in conjunction with a livestock auction facility.
- (55) Noise of Machines and Operations in the LI and HI zones shall comply with chapter 10.01 SCC and machines and operations shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness.
- (56) Sludge Utilization: Only at a completed sanitary landfill or on a completed cell within a sanitary landfill, subject to the provision of SCC 30.28.085.

(57) Woodwaste Recycling and Woodwaste Storage Facility: See SCC 30.28.095.

(58) Bed and Breakfast Guesthouses and Bed and Breakfast Inns: See SCC 30.28.020.

(59) Detached Accessory or Non-accessory Private Garages and Storage Structures: Subject to the following requirements:

(a) Special setback requirements for these uses are contained in SCC 30.23.110(20);

(b) Artificial lighting shall be hooded or shaded so that direct outside lighting, if any, will not result in glare when viewed from the surrounding property or rights-of-way;

(c) The following compatibility standards shall apply:

(i) proposals for development in existing neighborhoods with a well-defined character should be compatible with or complement the highest quality features, architectural character and siting pattern of neighboring buildings. Where there is no discernable pattern, the buildings shall complement the neighborhood. Development of detached private garages and storage structures shall not interrupt the streetscape or dwarf the scale of existing buildings of existing neighborhoods. Applicants may refer to the Residential Development Handbook for Snohomish County Communities to review techniques recommended to achieve neighborhood compatibility;

(ii) building plans for all proposals larger than 2,400 square feet in the Waterfront Beach, R-7,200, R-8,400, R-9,600 and R-12,500 zones and rural cluster subdivisions shall document the use of building materials compatible and consistent with existing on-site residential development exterior finishes;

(iii) in the Waterfront Beach, R-7,200, R-8,400, R-9,600 and R-12,500 zones and rural cluster subdivisions, no portion of a detached accessory private garage or storage structure shall extend beyond the building front of the existing single family dwelling, unless screening, landscaping, or other measures are provided to ensure compatibility with adjacent properties; and

(iv) in the Waterfront Beach, R-7,200, R-8,400, R-9,600 and R-12,500 zones and rural cluster subdivisions, no portion of a detached non-accessory private garage or storage structure shall extend beyond the building front of existing single family dwellings on adjacent lots where the adjacent dwellings are located within 10 feet of the subject property line. When a detached non-accessory private garage or storage structure is proposed, the location of existing dwellings on adjacent properties located within 10 feet of the subject site property lines shall be shown on the site plan;

(d) All detached accessory or non-accessory private garages and storage structures proposed with building footprints larger than 2,400 square feet shall provide screening or landscaping from adjacent properties pursuant to chapter 30.25 SCC;

(e) On lots less than 10 acres in size having no established residential use, only one non-accessory private garage and one storage structure shall be allowed. On lots 10 acres or larger without a residence where the cumulative square footage of all existing and proposed non-accessory private garages and storage structures is 6,000 square feet or larger, a conditional use permit shall be required.

(f) Where permitted, separation between multiple private garages or storage structures shall be regulated pursuant to subtitle 30.5 SCC.

- (60) The cumulative square footage of all detached accessory and non-accessory private garages and storage structures shall not exceed 6,000 square feet on any lot less than 5 acres, except this provision shall not apply in the LDMR, MR, T, NB, GC, PCB, CB, FS, BP, IP, LI, HI, RB, RFS, CRC and RI zones.
- (61) Museums: Museums within the agriculture A-10 zone are permitted only in structures which were legally existing on October 31, 1991.
- (62) Accessory Apartments: See SCC 30.28.010.
- (63) Temporary Woodwaste Recycling and Temporary Woodwaste Storage Facilities: See SCC 30.28.090.
- (64) RESERVED for future use.
- (65) On-site Hazardous Waste Treatment and Storage Facilities: Allowed only as an incidental use to any use generating hazardous waste which is otherwise allowed; provided that such facilities demonstrate compliance with the state siting criteria for dangerous waste management facilities pursuant to RCW 70.105.210 and WAC 173-303-282 as now written or hereafter amended.
- (66) An application for a conditional use permit to allow an off-site hazardous waste treatment and storage facility shall demonstrate compliance with the state siting criteria for dangerous waste management facilities pursuant to RCW 70.105.210 and WAC 173-303-282 as now written or hereafter amended.
- (67) Adult Entertainment Uses: See SCC 30.28.015.
- (68) Special Building Height provisions for this use are contained in SCC 30.23.050(2)(d).
- (69) Bakery: In the NB zone, the gross floor area of the use shall not exceed 1,000 square feet and the bakery business shall be primarily retail in nature.
- (70) Equestrian Centers: Allowed with a conditional use permit on all lands zoned A-10 except in that portion of the special flood hazard area of the lower Snohomish and Stillaguamish rivers designated density fringe as described in chapter 30.65 SCC.
- (71) Mini-equestrian Centers: Allowed as a permitted use on all lands zoned A-10 except in that portion of the special flood hazard area of the lower Snohomish and Stillaguamish rivers designated density fringe as described in chapter 30.65 SCC.
- (72) Equestrian Centers and Mini-equestrian Centers require the following:
- (a) Five-acre minimum site size for a mini-equestrian center;

- (b) Covered riding arenas shall not exceed 15,000 square feet for a mini-equestrian center; provided that stabling areas, whether attached or detached, shall not be included in this calculation;
- (c) Any lighting of an outdoor or covered arena shall be shielded so as not to glare on surrounding properties or rights-of-way;
- (d) On sites located in RC and R-5 zones, Type A landscaping as defined in SCC 30.25.017 is required to screen any outside storage, including animal waste storage, and parking areas from adjacent properties;
- (e) Riding lessons, rentals, or shows shall only occur between 8 a.m. and 9 p.m.;
- (f) Outside storage, including animal waste storage, and parking areas shall be set back at least 30 feet from any adjacent property line. All structures shall be set back as required in SCC 30.23.110(8); and
- (g) The facility shall comply with all applicable county building, health, and fire code requirements.

(73) Temporary Residential Sales Coach (TRSC):

- (a) The commercial coach shall be installed in accordance with all applicable provisions within chapter 30.54A SCC;
- (b) The TRSC shall be set back a minimum of 20 feet from all existing and proposed road rights-of-way and five feet from proposed and existing property lines;
- (c) Vehicular access to the temporary residential sales coach shall be approved by the county or state; and
- (d) Temporary residential sales coaches may be permitted in approved preliminary plats, prior to final plat approval, when the following additional conditions have been met:
- (i) plat construction plans have been approved;
 - (ii) the fire marshal has approved the TRSC proposal;
 - (iii) proposed lot lines for the subject lot are marked on site; and
 - (iv) the site has been inspected for TRSC installation to verify compliance with all applicable regulations and plat conditions, and to assure that land disturbing activity, drainage, utilities infrastructure, and native growth protection areas are not adversely affected.

(74) Golf Course and Driving Range: In the A-10 zone, artificial lighting of the golf course or driving range shall not be allowed. Land disturbing activity shall be limited in order to preserve prime farmland. At least 75 percent of prime farmland on site shall remain undisturbed.

(75) Model Hobby Park: SCC 30.28.060.

(76) Commercial Retail Uses: Not allowed in the Light Industrial and Industrial Park zones when said zones are located in the Maltby UGA of the comprehensive plan, and where such properties are, or can be served by railway spur lines.

(77) Studio: Studio uses may require the imposition of special conditions to ensure compatibility with adjacent residential, multiple family, or rural-zoned properties. The

1 hearing examiner may impose such conditions when deemed necessary pursuant to the
2 provisions of chapter 30.42C SCC. The following criteria are provided for hearing
3 examiner consideration when specific circumstances necessitate the imposition of
4 conditions:

5 (a) The number of nonresident artists and professionals permitted to use a studio at
6 the same time may be limited to no more than 10 for any lot 200,000 square feet or
7 larger in size, and limited to five for any lot less than 200,000 square feet in size;

8 (b) The hours of facility operation may be limited; and

9 (c) Landscape buffers may be required to visually screen facility structures or outdoor
10 storage areas when the structures or outdoor storage areas are proposed within 100
11 feet of adjacent residential, multiple family, and rural-zoned properties. The buffer shall
12 be an effective site obscuring screen consistent with Type A landscaping as defined in
13 SCC 30.25.017.

14
15 (78) The gross floor area of the use shall not exceed 1,000 square feet.

16
17 (79) The gross floor area of the use shall not exceed 2,000 square feet.

18
19 (80) The gross floor area of the use shall not exceed 4,000 square feet.

20
21 (81) The Construction Contracting Use in the Rural Business zone shall be subject to
22 the following requirements:

23 (a) The use complies with all of the performance standards required by SCC
24 30.31F.100 and 30.31F.110;

25 (b) Not more than 1,000 square feet of outdoor storage of materials shall be allowed
26 and shall be screened in accordance with SCC 30.25.024;

27 (c) In addition to the provisions of subsection (81)(b) of this section, not more than five
28 commercial vehicles or construction machines shall be stored outdoors and shall be
29 screened in accordance with SCC 30.25.020 and 30.25.032;

30 (d) The on-site fueling of vehicles shall be prohibited; and

31 (e) The storage of inoperable vehicles and hazardous or earth materials shall be
32 prohibited.

33
34 (82) Manufacturing, Heavy: Includes the following uses: Distillation of wood, coal,
35 bones, or the manufacture of their by-products; explosives manufacturing; manufacture
36 of fertilizer; extraction of animal or fish fat or oil; forge, foundry, blast furnace or melting
37 of ore; manufacturing of acid, animal black/black bone, cement or lime, chlorine,
38 creosote, fertilizer, glue or gelatin, potash, pulp; rendering of fat, tallow and lard, rolling
39 or booming mills; tannery; or tar distillation and manufacturing. See SCC 30.91M.028.

40
41 (83) "All other forms of manufacture not specifically listed" is a category which uses
42 manufacturing workers, as described under the Dictionary of Occupational Titles,
43 published by the US Department of Labor, to produce, assemble or create products and
44 which the director finds consistent with generally accepted practices and performance
45 standards for the industrial zone where the use is proposed. See SCC 30.91M.024 and
46 30.91M.026.

1
2 (84) RESERVED for future use.

3
4 (85) A single family dwelling may have only one guesthouse.

5
6 (86) Outdoor display or storage of goods and products is prohibited on site.

7
8 (87) Wedding Facility:

9 (a) Such use is permitted only:

- 10 (i) on vacant and undeveloped land;
11 (ii) on developed land, but entirely outside of any permanent structure;
12 (iii) partially outside of permanent structures and partially inside of one or more
13 permanent structures which were legally existing on January 1, 2001; or
14 (iv) entirely inside of one or more permanent structures which were legally existing on
15 January 1, 2001;

16 (b) The applicant shall demonstrate that the following criteria are met with respect to
17 the activities related to the use:

- 18 (i) compliance with the noise control provisions of chapter 10.01 SCC;
19 (ii) adequate vehicular site distance and safe turning movements exist at the access
20 to the site consistent with the EDDS as defined in title 13 SCC; and
21 (iii) adequate sanitation facilities are provided on site pursuant to chapter 30.52A
22 SCC and applicable Snohomish Health District provisions;
23 (c) Adequate on-site parking shall be provided for the use pursuant to SCC 30.26.035;
24 (d) A certificate of occupancy shall be obtained pursuant to chapter 30.52A SCC for
25 the use of any existing structure. The certificate of occupancy shall be subject to an
26 annual inspection and renewal pursuant to SCC 30.53A.060 to ensure building and fire
27 code compliance;

28 (e) In the A-10 zone, the following additional requirements apply:

- 29 (i) the applicant must demonstrate that the use is accessory to the primary use of the
30 site for agricultural purposes and supports, promotes or sustains agricultural operations
31 and production;
32 (ii) the use must be located, designed, and operated so as to not interfere with, and to
33 support the continuation of, the overall agricultural use of the property and neighboring
34 properties;
35 (iii) the use and all activities and structures related to the use must be consistent with
36 the size, scale, and intensity of the existing agricultural use of the property and the
37 existing buildings on the site;
38 (iv) the use and all activities and structures related to the use must be located within
39 the general area of the property that is already developed for buildings and residential
40 uses;
41 (v) the use and all activities and structures related to the use shall not convert more
42 than one acre of agricultural land to nonagricultural uses; and
43 (vi) any land disturbing activity required to support the use shall be limited to preserve
44 prime farmland.
45

(88) Public/Institutional Use Designation (P/IU): When applied to land that is (a) included in an Urban Growth Area and (b) designated P/IU on the Snohomish County Future Land Use Map concurrent with or prior to its inclusion in a UGA, the R-7,200, R-8,400 and R-9,600 zones shall allow only the following permitted or conditional uses: churches, and school instructional facilities. All other uses are prohibited within areas that meet criteria (a) and (b), unless the P/IU designation is changed.

(89) Hotel/Motel Uses: Permitted in the Light Industrial zone when the following criteria are met:

- (a) The Light Industrial zone is located within a municipal airport boundary;
- (b) The municipal airport boundary includes no less than 1,000 acres of land zoned light industrial; and
- (c) The hotel/motel use is served by both public water and sewer.

(90) Health and Social Service Facilities regulated under this title do not include secure community transition facilities (SCTFs) proposed pursuant to chapter 71.09 RCW. See SCC 30.91H.095.

(a) Snohomish County is preempted from regulation of SCTFs. In accordance with the requirements of state law the county shall take all reasonable steps permitted by chapter 71.09 RCW to ensure that SCTFs comply with applicable siting criteria of state law. Every effort shall be made by the county through the available state procedures to ensure strict compliance with all relevant public safety concerns, such as emergency response time, minimum distances to be maintained by the SCTF from "risk potential" locations, electronic monitoring of individual residents, household security measures and program staffing.

(b) Nothing herein shall be interpreted as to prohibit or otherwise limit the county from evaluating, commenting on, or proposing public safety measures to the state of Washington in response to a proposed siting of a SCTF in Snohomish County.

(c) Nothing herein shall be interpreted to require or authorize the siting of more beds or facilities in Snohomish County than the county is otherwise required to site for its SCTFs pursuant to the requirements of state law.

(91) Level II Health and Social Service Uses: Allowed outside the UGA only when the use is not served by public sewer.

(92) The area of the shooting range devoted to retail sales of guns, bows, and related equipment shall not exceed one-third of the gross floor area of the shooting range and shall be located within a building or structure.

(93) Farmers Market: See SCC 30.28.036.

(94) Farm Product Processing and Farm Support Business: See SCC 30.28.038.

(95) Farmland Enterprise: See SCC 30.28.037.

(96) Public Events/Assemblies on Farmland: Such event or assembly shall:

- (a) Comply with the requirements of SCC 30.53A.800; and
(b) Not exceed two events per year. No event shall exceed two weeks in duration.
- (97) Bakery, Farm: The gross floor area of the use shall not exceed 1,000 square feet.
- (98) Recreational Facility Not Otherwise Listed in Ag-10 zone: See SCC 30.28.076.
- (99) Farm Stand: See SCC 30.28.039.
- (100) Farm Stand: Allowed as a Permitted Use (P) when sited on land designated riverway commercial farmland, upland commercial farmland or local commercial farmland in the comprehensive plan. Allowed as an Administrative Conditional Use (A) when sited on land not designated riverway commercial farmland, upland commercial farmland or local commercial farmland in the comprehensive plan.
- (101) Farmers Market: Allowed as a Permitted Use (P) when sited on land designated riverway commercial farmland, upland commercial farmland or local commercial farmland in the comprehensive plan. Allowed as an Administrative Conditional Use (A) when sited on land not designated riverway commercial farmland, upland commercial farmland or local commercial farmland in the comprehensive plan.
- (102) Community Facilities for Juveniles in R-5 zones must be located within one mile of an active public transportation route at the time of permitting.
- (103) All community facilities for juveniles shall meet the performance standards set forth in SCC 30.28.025.
- (104) Personal Wireless Telecommunications Service Facilities: See chapter 30.28A SCC and landscaping standards in SCC 30.25.025.
- (105) Personal wireless Telecommunications Service Facilities: Are subject to a building permit pursuant to SCC 30.28A.020 and the development standards set forth in chapter 30.28A SCC and landscaping standards in SCC 30.25.025.
- (106) A building permit only is required for facilities co-locating on existing utility poles, towers, and/or antennas unless otherwise specified in chapter 30.28A SCC.
- (107) Agricultural Composting Requirements:
(a) On-farm site agricultural composting operations that comply with the requirements established in this section are allowed in the A-10 zone. These composting facilities and operations shall be constructed and operated in compliance with all applicable federal, state and local laws, statutes, rules and regulations. The Nutrient Management Plan portion of the farm's Snohomish Conservation District Farm Plan or any other established nutrient management plan must be on file with the department when any application for a land use permit or approval is submitted to the department for the

development of an agricultural composting facility. Farm site agricultural composting operations shall also comply with the following criteria:

- (i) The composting operation shall be limited to 10 percent of the total farm site area;
- (ii) At least 50 percent of the composted materials shall be agricultural waste;
- (iii) At least 10 percent of the agricultural wastes must be generated on the farm site;
- (iv) A maximum of 500 cubic yards of unsuitable incidental materials accumulated in the agricultural waste such as rock, asphalt, or concrete over three inches in size may be stored at the farm composting facility until its proper removal. All incidental materials must be removed from the site yearly; and

- (v) A minimum of 10 percent of the total volume of the finished compost produced annually shall be spread on the farm site annually.

(b) In all other zones except A-10 where agriculture is a permitted use, incidental agricultural composting of agricultural waste generated on a farm site is permitted. The agricultural composting facility shall be constructed and operated in compliance with all applicable federal, state and local laws, statutes, rules and regulations. The Nutrient Management Plan portion of the farm's Snohomish Conservation District Farm Plan or any other established nutrient management plan must be on file with the department when any permit application is submitted to the department for the development of an agricultural composting facility.

(108) RESERVED for future use. (Urban Center Demonstration Program projects - DELETED by Ord. 09-079)

(109) Privately Operated Off-road Vehicle (ORV) Use Areas: Shall be allowed by conditional use permit on Forestry and Recreation (F&R) zoned property designated Forest on the comprehensive plan future land use map. These areas shall be identified by an F&R ORV suffix on the zoning map. Privately operated ORV use areas are regulated pursuant to SCC 30.28.080, SCC 30.28.085 and other applicable county codes.

(110) Recreational Facility Not Otherwise Listed: Playing fields permitted in accordance with chapter 30.33B SCC are allowed as a Permitted Use (P) when sited on designated recreational land as identified on the future land use map in the county's comprehensive plan.

(111) Recreational Facility Not Otherwise Listed: Playing fields not permitted in accordance with chapter 30.33B SCC are allowed as an Administrative Conditional Use (A) when sited on designated recreational land as identified on the future land use map in the county's comprehensive plan.

(112) RESERVED for future use. (Transfer of Development Rights receiving area overlay - DELETED by Amended Ord. 13-064)

(113) Privately Operated Motocross Racetracks: Allowed by conditional use permit, and are regulated pursuant to SCC 30.28.100 and 30.28.105, and other applicable county

codes. Motocross racetracks are allowed in the Forestry and Recreation (F&R) zone only on commercial forest lands.

(114) New AM Radio Towers are prohibited. AM radio towers either constructed before October 13, 2010, or with complete applications for all permits and approvals required for construction before October 13, 2010, shall not be considered nonconforming uses and they may be repaired, replaced, and reconfigured as to the number and dimensions of towers so long as the repair, replacement, or reconfiguration occurs on the parcel where the tower was originally constructed or permitted and it does not increase the number of AM radio towers constructed on the parcel.

(115) This use is prohibited in the R-5 zone with the Mineral Resource Overlay (MRO). Public park is a permitted use on reclaimed portions of mineral excavation sites with the MRO.

(116) See Cottage Housing Design Standard Requirements in chapter 30.41G SCC.

(117) RESERVED for future use.

(118) RESERVED for future use.

(119) Only building mounted personal wireless communications facilities shall be permitted.

(120) Allowed as a conditional use only with a Park-and-Pool Lot or a Park-and-Ride Lot.

(121) Permitted as an incidental use with a permitted use, conditional use or administrative conditional use.

(122) Products or merchandise offered for sale or storage by a business may be located outdoors; provided, that:

- (a) The area occupied by the display shall not exceed 500 square feet; and
- (b) Public sidewalks shall not be enclosed as space for sales or storage by fencing or other means that effectively limits public use of the sidewalk.

(123) Such uses, except those as provided for in SCC 30.34A.010(4)(d), are permitted only in structures which are legally existing on May 29, 2010. Such uses, except those as provided for in SCC 30.34A.010(4)(d), shall also comply with subsection (122) of this section.

(124) The minimum lot size for marijuana related facilities is 100,000 square feet. Marijuana production is allowed indoors and outdoors. Marijuana processing is only allowed when there is a marijuana production facility on site. Marijuana facilities are subject to special setbacks pursuant to SCC 30.23.110(28).

(125) Marijuana production and processing is permitted indoors only; no outdoor production or processing is allowed.

(126) Notwithstanding all other provisions of this chapter, marijuana collective gardens, collective garden dispensaries, or access points in operation as of November 1, 2013, shall be permitted uses in their current locations through December 31, 2015, provided that the use complies with all state laws related to medical marijuana and maintains a current certificate of occupancy. Such uses must close or relocate to a zone where they are a permitted use on or before January 1, 2016. New marijuana collective gardens, collective garden dispensaries, or access points after November 1, 2013 shall only be permitted in the zones specified in this chapter.

Section 5. Snohomish County Code Section 30.23.110, last amended by Amended Ordinance No. 13-086 on November 13, 2013, is amended to read:

30.23.110 Special setbacks for certain uses.

This section supplements the normal setbacks required by the underlying zone for the specified use.

(1) Agriculture. All structures used for housing or feeding animals, not including household pets, shall be located at least 30 feet from all property lines.

(2) Amusement Facilities. Theaters must be at least 300 feet from the property line of any preschool or K-12 school. Other amusement facilities must be at least 500 feet from the property line of any park, playground, preschool, or K-12 school. Distances shall be measured horizontally by following a straight line from the nearest point in the building in which the amusement facility will be located, to the nearest property line of a parcel which contains a park, playground, preschool, or K-12 school.

(3) Art Gallery. All buildings must be at least 20 feet from any other lot in a residential zone.

(4) Cemetery, Mausoleum, and Crematoriums. All buildings must be at least 50 feet from external boundaries of the property.

(5) Church. All buildings must be at least 25 feet from any other lot in a residential zone.

(6) Dock and Boathouse. Covered structures must be at least three feet from any side lot line or extension thereof. No setback from adjacent properties is required for any uncovered structure, and no setback from the water is required for any structure permitted hereunder, except that setbacks for docks and boathouses located in shoreline jurisdiction are regulated under SCC 30.67.515.

(7) Educational Institutions.

(a) All buildings shall be set back at least 35 feet from all external property lines; and

(b) All buildings shall be set back from all road network elements, except a driveway. The setback shall be the greater of either 75 feet from the centerline of a road network element, or 45 feet from the edge of a road network element.

(8) Equestrian Center and Mini-Equestrian Center. Open or covered arenas must be at least 50 feet from any external property line. New structures located on or adjacent to lands subject to chapter 30.32A SCC shall comply with all applicable setbacks.

(9) Governmental Structure or Facility. All structures must be at least 20 feet from any other lot in a residential zone.

(10) Health and Social Service Facility, Level II. All buildings must be at least 30 feet from all external property boundaries.

(11) Kennel, Commercial; Kennel, Private-Breeding; or Kennel, Private-Non-Breeding. All animal runs, and all buildings and structures devoted primarily to housing animals, must be at least 30 feet from all external property lines.

(12) Library. All buildings must be at least 20 feet from any other lot in a residential zone.

(13) Museum. All buildings must be at least 20 feet from any other lot in a residential zone.

(14) Office, Licensed Practitioners. All buildings must be at least 20 feet from any other lot in a residential zone.

(15) Race Track. The track must be at least 50 feet from all external property lines.

(16) Rural Industry. All buildings and structures, storage areas, or other activities (except sales stands) occurring outside of a residential structure must be at least 20 feet from any property line.

(17) School, Preschool and K-12.

(a) All buildings shall be set back at least 35 feet from all external property lines; and

(b) All buildings shall be set back from all road network elements, except a driveway. The setback shall be the greater of either 75 feet from the centerline of a road network element, or 45 feet from the edge of the road network element.

(18) Service Station Pump Island or Canopy. The following setbacks shall be applied from all road network elements, except for a driveway:

(a) The setback for a pump island, where the width of the road network element is less than 60 feet, shall be 45 feet from the centerline of the road network element.

(b) The setback for a pump island, where the road network element is 60 feet or wider, shall be one-half the width of the road network element plus 15 feet.

(c) The setback for a canopy, where the road network element is less than 60 feet, shall be 35 feet from the centerline of the road network element.

(d) The setback for a canopy, where the road network element is 60 feet or wider, shall be one-half the width of the road network element plus five feet.

(19) Small Animal Husbandry. All structures used for housing or feeding animals must be at least 30 feet from all property lines.

(20) Detached accessory or non-accessory storage structures and private garages with building footprints over 2,400 square feet must be at least 15 feet from any external property line; provided, that parcels abutting open space tracts shall have a five-foot setback from the open space. Storage structures and private garages over 4,000 square feet in size must be set back at least 20 feet from any external property line; provided, that parcels abutting open space tracts shall have a five-foot setback from the open space.

(21) Stormwater Facilities.

(a) Buildings shall be set back an unobstructed 15 feet from the top of the bank of an open constructed channel or an open detention or retention pond to allow access by maintenance equipment.

(b) Buildings shall be set back 10 feet from the nearest edge of a closed drainage facility.

(c) If the construction of drainage facilities will require a structural setback on adjacent properties pursuant to subsection (21)(a) or (b) of this section, the owner of the drainage facility shall obtain a drainage easement or agreement from the affected adjacent property owner(s) prior to construction approval.

(22) Studio. All buildings must be at least 20 feet from any other lot in a residential, multiple-family, or rural zone. The hearing examiner may require an additional setback distance when necessary to maintain compatibility of the proposed building with residential uses on adjoining properties.

(23) Swimming or Wading Pool. The pool must be at least five feet from any property line.

(24) Tavern. The use must be at least 500 feet from the external property lines of all public school grounds and public parks or playgrounds.

(25) Utility Structures. All structures must be at least 20 feet from any other lot in a residential zone.

(26) Personal Wireless Telecommunications Service Facilities. The setbacks of a wireless communications support structure used for a personal wireless telecommunications service facility shall be measured from the base of the structure to the property line of the parcel on which it is located. Where guy wire supports are used, setbacks shall be measured from the base of the guy wire anchored to the ground,

rather than the base of the structure except as provided for in subsection (25)(a) of this section.

(a) In zones categorized as Rural or Resource under SCC 30.21.020, any public road right-of-way may be included in the setback calculation. In all other zones categorized under SCC 30.21.020, public road right-of-way shall not be included in the setback calculation.

(b) Wireless communications support structures shall be set back from a property line with a minimum of 50 feet except as provided for in ~~((subsections (25))~~(c) through (e) of this section. For the purposes of this subsection, a wireless communications support structure's lease area boundaries shall not be considered property lines.

(c) Setbacks may be modified by the approval authority to no less than 20 feet from a property line only if there is significant existing vegetation, topography, or some other land feature that will provide a higher level of screening of the facility. In accordance with SCC 30.25.025(2), a Native Vegetation Retention Area (NVRA) shall be established and maintained when this provision is used.

(d) Wireless communications support structures located on utility support structures shall have no specific setback requirement.

(e) Wireless communications support structures located on parcels adjacent to forest lands or lands designated local forest shall be set back in accordance with SCC 30.32A.110.

(f) To minimize the potential for birds to collide into antenna support structures, personal wireless telecommunications services facilities shall not be located within the recommended construction buffer zone for birds listed as priority species by the Washington Department of Fish and Wildlife as described in its Management Recommendations for Washington's Priority Species Volume IV: Birds (May 2004), or listed as endangered or threatened species under the federal Endangered Species Act (64 CFR 14307), and as amended, unless the applicant demonstrates that the proposed location will not have a significant impact on such birds.

(g) In no case shall a wireless communications support structure be constructed so that its base is closer to an existing dwelling than a distance equal to the height of the wireless communications support structure, unless the owner of such dwelling consents in writing that a closer distance is permitted.

(27) Excavation and Processing of Minerals.

(a) Minimum setbacks, as measured from the nearest edge of active mining or processing, shall be established as follows:

(i) Distance from property line: 50 feet;

(ii) Distance from any public road or right-of-way: 50 feet;

(iii) Distance from residences: 100 feet; provided, that the residence is located on a site(s) designated and zoned for residential use;

(iv) Distance from parks, schools, hospitals and/or libraries in existence at the time of permit application: one-fourth mile (1,320 ft);

(v) Distance from UGA boundary: one-fourth mile (1,320 ft).

(b) No mining, processing or permanent buildings shall be located within the setback.

(c) Structures or buildings associated with mineral operations shall be located at least 100 feet from a developed residential property line.

(28) Marijuana production and marijuana processing. The minimum setback for outdoor marijuana production or marijuana processing facilities shall be at least 50 feet from any property line. The minimum setback for indoor marijuana production or marijuana processing facilities shall be at least 30 feet from any property line.

Section 6. Snohomish County Code Section 30.25.036, adopted by Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:

30.25.036 Additional landscaping requirements for planned residential developments.

All PRDs proposed under chapter 30.42B SCC shall provide the following additional site landscaping:

(1) Usable open space shall be landscaped in a manner that does not inhibit proposed recreational uses; and

(2) Site perimeter landscaping shall be established as a tract or easement along any property boundary of a PRD where adjacent property is currently developed or used for single-family residential purposes, or is zoned or designated in the comprehensive plan for single-family residential use. The landscape area shall consist of clusters or solid rows of plant materials and comply with the following:

(a) One tree must be planted for every 25 linear feet of buffer. Trees may be grouped in clusters, but at no time shall they be spaced greater than 50 feet apart. Trees must be 66 percent evergreen species with conifers at least eight feet in height at the time of planting and deciduous trees at least one and one half-inch caliper at the time of planting. Shrubs shall be placed six feet on center and shall consist of 66 percent evergreen species with a minimum spread of 21 inches at planting. Ground cover can consist of lawn, but for groundcover that consists of plantings, the plantings shall be placed no more than 24 inches on center for four inch pots and 30 inches on center for one gallon pots; and

(b) In PRDs where parking for multiple family structures is located adjacent to the perimeter landscape area, a four-foot high sight-obscuring fence (gaps no greater than one-quarter inch) to block headlight glare on adjoining property shall be installed along the perimeter property boundary, or a landscaped earthen berm at least four feet high with side slopes not exceeding a slope of two horizontal feet to one vertical foot (2:1) shall be incorporated into the perimeter landscaping.

((#)) (c) All planting materials required by this subsection shall be included in the PRD landscape plan and shall be installed prior to occupancy of any dwelling unit in the project located within 100 feet of said perimeter landscaping area.

((#)) (d) The applicant shall be allowed to retain existing vegetation to satisfy the requirements of this section if it provides an equivalent buffer.

Section 7. Snohomish County Code Section 30.28.090, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.28.090 Temporary woodwaste recycling and temporary woodwaste storage facilities.

These two uses require ~~((a temporary use permit))~~ an administrative conditional use permit and are subject to the following minimum requirements except when incidental to a primary use allowed in the applicable zone:

(1) An application for ~~((a temporary use permit))~~ an administrative conditional use permit to allow a woodwaste recycling and/or woodwaste storage facility shall include the following:

(a) A site development plan showing all woodwaste storage areas (active and reserve areas), recycled material storage areas, equipment, parking areas, access drives/fire lanes, extent of vegetation clearing, buffer widths, on-site sewage disposal areas (if proposed), proposed site structures, existing site structures that are to remain or be removed, natural drainage courses and probable alterations which will be necessary to handle the expected drainage from the site; and

(b) Operational information which demonstrates that:

(i) adequate fire prevention and protection measures have been incorporated into the proposal. Approval of said measures shall be obtained from the county fire marshal prior to temporary use approval;

(ii) adequate provisions have been incorporated into the proposal which will ensure that the type of woodwaste brought to the site consists only of materials authorized by this title and does not contain wood pieces or particles containing chemical preservatives such as creosote, pentachlorophenol, copper-chrome-arsenate, paints or stains; the operator shall be responsible for ensuring that such material does not enter the site; and

(iii) the woodwaste material is being stored in conformance with Snohomish Health District Sanitary Code, chapter 3.1, "Regulations Governing Solid Waste Handling," code number 3.1-300(3)(c)(i);

(2) ~~((A temporary use permit))~~ An administrative conditional use permit shall be subject to the following minimum performance standards:

(a) All woodwaste and demolition and construction debris shall be stored at or above ground level. Natural or artificially created depressions in the earth shall not be used. All woodwaste material shall be limited to temporary storage at a rate in conformance with the Snohomish Health District Sanitary Code, chapter 3.1, "Regulations Governing Solid Waste Handling," code number 3.1-300(3)(c)(i);

(b) The applicant shall demonstrate that an adequate water supply is available at the site to sustain necessary fire flow pressure for purposes of fire protection as determined by the applicable fire district in consultation with the county fire marshal;

(c) The proposed operation shall be carried out in conformance with all applicable provisions of county code and state law and shall avoid the emission of smoke, dust, fumes, odors, heat, glare, vibration, noise, traffic, surface water drainage, sewage, water pollution, or other emissions which are unduly or unreasonably offensive or injurious to properties, residents or improvements in the vicinity;

(d) Screening pursuant to SCC 30.25.024 is required around the perimeter of all storage, recycling, processing, parking and other outside activity areas;

(e) Woodwaste and recycled material placed in a pile shall be stored in piles no more than 30 feet high and not more than one-half acre in size. Piles shall be separated by a fire lane with a minimum width of 40 feet;

(f) The combined total storage area for woodwaste and recycled materials shall not exceed two acres;

(g) Except in the LI and HI zones, a proposed woodwaste storage or woodwaste recycling facility shall be limited to wholesale distribution only, with retail sales of any woodwaste recycled product being prohibited; and

(h) Outside storage, recycling and processing activity areas, parking areas and other outside activity areas shall be set back at least 20 feet from adjacent properties; provided that where such activities are adjacent to properties containing an existing residential use, properties where the existing zoning is categorized as residential, multiple family or rural, or adjacent to any stream or wetland designated by the county, the minimum setback shall be 100 feet; provided further that where such activities are fully enclosed within a structure, the minimum setback may be reduced to 50 feet depending on the sensitivity of the resource. The character of the minimum setback area shall be determined by the director in accordance with adopted county regulations, plans, and policies.

Section 8. The following ordinances are each repealed:

(1) Snohomish County Code Section 30.34B.010, adopted by Amended Ordinance No. 02-064 on December 9, 2002;

(2) Snohomish County Code Section 30.34B.020, adopted by Amended Ordinance No. 02-064 on December 9, 2002;

(3) Snohomish County Code Section 30.34B.030, adopted by Amended Ordinance No. 02-064 on December 9, 2002;

(4) Snohomish County Code Section 30.34B.040, adopted by Amended Ordinance No. 02-064 on December 9, 2002;

(5) Snohomish County Code Section 30.34B.050, last amended by Amended Ordinance No. 06-061 on August 1, 2007;

(6) Snohomish County Code Section 30.34B.060, adopted by Amended Ordinance No. 02-064 on December 9, 2002;

(7) Snohomish County Code Section 30.34B.070, last amended by Amended Ordinance No. 13-042 on July 10, 2013;

(8) Snohomish County Code Section 30.34B.080, adopted by Amended Ordinance No. 02-064 on December 9, 2002;

(9) Snohomish County Code Section 30.34B.090, adopted by Amended Ordinance No. 02-064 on December 9, 2002;

(10) Snohomish County Code Section 30.34B.100, adopted by Amended Ordinance No. 02-064 on December 9, 2002;

(11) Snohomish County Code Section 30.34B.110, last amended by Ordinance No. 03-037 on April 9, 2003.

Section 9. Snohomish County Code Section 30.41A.250, last amended by Amended Ordinance No. 06-061 on August 1, 2007, is amended to read:

30.41A.250 Density for sloping land.

All subdivisions shall comply with applicable requirements ~~((of SCC 30.28.050))~~ regarding development in erosion and landslide hazard areas ~~((on steep slopes. For other regulations affecting development activity on slopes see also))~~ pursuant to SCC 30.62B.320 and 30.62B.340. In addition, the following requirements shall apply to all subdivisions:

(1) Determination of Slope. The applicant shall determine land slope and assess the applicability of this section. This information shall be provided to the department along with the completed application. In determining slope, the applicant shall obtain a topographic survey from a registered professional engineer or land surveyor which defines the slope of the property to a recognized and acceptable mapping standard. In all areas proposed for roads or dwellings, elevations of 90 percent of the area shall be within three feet of the actual ground elevations;

(2) Determination of Potential Maximum Dwelling Unit Density. The applicant shall determine maximum unit yield for the specified zones from Table 30.41A.250(2), except that this requirement shall not apply to a planned residential development combined with a preliminary subdivision; and

Table 30.41A.250(2)
RESIDENTIAL DENSITY FOR SLOPING LAND

Zoning	Dwelling units/Gross acre			
	15-20% slope	21-25% slope	26-33% slope	Over 33% slope
Rural Conservation	.5	.5	.5	.25
SA I-Acre	1.0	1.0	1.0	.25
R-20,000	1.8	1.8	1.8	.25
R-12,500	2.8	2.8	1.8	.25
R-9,600	4.0	2.8	1.8	.25
R-8,400	4.0	2.8	1.8	.25
R-7,200/WEB	4.0	2.8	1.8	.25

Slope means an inclined ground surface, the inclination of which is expressed as a rating of horizontal distance to vertical distance. Slope percentages are calculated by taking the vertical rise over the horizontal run. For land areas greater than 15 percent natural slope, maximum unit yield in the identified zones shall be determined by

1 multiplying the gross site area by the appropriate density factors found in SCC Table
2 30.41A.250(2). For the purpose of this table, a continuous slope with a horizontal run of
3 less than 50 feet shall be considered level when the slope percentage is less than 33
4 percent.

5
6 (3) The department may require engineering or other technical justification for
7 development in sloped areas where it determines that the public health, safety, welfare,
8 or environment may be jeopardized by the proposed development.

9
10 Section 10. Snohomish County Code Section 30.63B.270, adopted by Amended
11 Ordinance No. 10-023 on June 9, 2010, is amended to read:

12
13 **30.63B.270 Time limitation of application.**

14
15 (1) An application for a land disturbing activity permit shall be deemed to have been
16 abandoned 18 months after the date the applicant filed a complete application, unless
17 the applicant has pursued the submittal of all necessary information and revisions
18 requested by the department in good faith, or a permit has been issued.

19
20 (2) The director is authorized to grant one extension of the permit application if
21 abandoned. Such extension shall not exceed an additional 18 month period. The
22 application extension shall be requested in writing and the applicant shall demonstrate a
23 justifiable cause for the extension. A renewal fee shall be paid at the time of the renewal
24 request pursuant to SCC 30.86.510(2)((a) and (b)).

25
26 Section 11. Snohomish County Code Section 30.66C.100, adopted by Ordinance No.
27 12-093 on November 19, 2012, is amended to read:

28
29 **30.66C.100 Fee required.**

30
31 (1) Each development, as a condition of approval, shall be subject to the school impact
32 fee established pursuant to this chapter. The school impact fee shall be calculated in
33 accordance with the formula established in SCC 30.66C.045. The fees listed in Table
34 30.66C.100(1) represent one-half of the amount calculated by each school district in its
35 respective capital facilities plan in accordance with the formula identified in SCC
36 30.66C.045.

37
38 (2) The payment of school impact fees will be required prior to issuance of building
39 permits. The amount of the fee due shall be based on the fee schedule in effect at the
40 time of building permit application.

41
42 (3) The department shall maintain and provide to the public upon request a table
43 summarizing the schedule of school impact fees for each school district within the
44 county.

(4) The fees set forth in Table 30.66C.100(1) apply to developments that vest to county development regulations from January 1, 2013 to December 31, 2014.

(5) Building permits submitted after January 1, 1999, for which prior plat approval has been obtained under chapter 30.66C SCC as codified prior to January 1, 1999, shall be subject to the school impact fees established pursuant to this chapter, as set forth in this section, except as provided in SCC 30.66C.010(2).

Table 30.66C.100(1)
School Impact Mitigation Fees

SCHOOL DISTRICT	SINGLE FAMILY per dwelling unit	MULTI-FAMILY 1- BEDROOM per dwelling unit	MULTI-FAMILY 2+ BEDROOMS per dwelling unit	DUPLEXES AND TOWNHOMES
Edmonds No. 15	\$0	\$0	\$0	\$0
Everett No. 2	\$3,798	\$0	\$2,216	\$2,216
Lake Stevens No. 4	\$4,692	\$0	\$2,915	\$2,915
Lakewood No. 306	\$892	\$0	\$396	\$396
Marysville No. 25	\$1,879	\$0	\$2,882	\$2,882
Monroe No. 103	\$1,984	\$0	\$3,172	\$3,172
Mukilteo No. 6	\$2,642	\$0	(\$2,883) <u>\$2,833</u>	(\$2,883) <u>\$2,833</u>
Northshore No. 417	\$0	\$0	\$0	\$0
Snohomish No. 203	\$896	\$0	\$0	\$0
Sultan No. 311	\$0	\$0	\$0	\$0

Section 12. Snohomish County Code Section 30.86.310, last amended by Amended Ordinance No. 12-025 on June 6, 2012, is amended to read:

30.86.310 Shoreline Permit Fees.

Shoreline variance	\$1,440
Shoreline single family residence variance	\$800
Shoreline substantial development permit or shoreline conditional use permit:	
Up to \$10,000	\$780
\$10,001 to \$100,000	\$1,560
(((\$101,001)) <u>\$100,001</u> to \$500,000	\$4,680
\$500,001 to \$1,000,000	\$6,240
More than \$1,000,000	\$7,800
Shoreline permit public hearing (if required)	\$1,248 ⁽¹⁾
Shoreline permit exemptions	\$540 ⁽²⁾
Shoreline fees for playing fields on designated recreational land in accordance with SCC 30.28.076 and chapter 30.33B SCC	\$0
Shoreline permit extension	\$280
Shoreline permit revisions	\$420
Reference Notes:	
⁽¹⁾ The additional fee shall be paid prior to scheduling the proposed permit for public hearing.	
⁽²⁾ Watershed restoration projects that meet the definition in RCW <u>89.08.460</u> are not subject to this fee.	

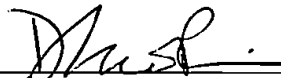
Section 13. Snohomish County Code Section 30.91F.450, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is repealed.

Section 14. Severability and savings. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings Board or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance. Provided, however, that if any section, sentence, clause, or phrase of this ordinance is held to be invalid by a court of competent jurisdiction, then

1 the section, sentence, clause, or phrase in effect prior to the effective date of this
2 ordinance shall be in full force and effect for that individual section, sentence, clause, or
3 phrase as if this ordinance had never been adopted.

4
5 PASSED by a vote of five for and zero against this 27th day of August, 2014.
6
7

8
9 ATTEST:


10
11 
12 _____
13 Debbie Eco-Parris
14 Asst. Clerk of the Council
15

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

16 
17 _____
18 Dave Somers
19 Council Chairperson

20
21 ☒ APPROVED
22 ☐ EMERGENCY
23 ☐ VETOED
24

DATE: 9/3/14

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34 ATTEST: 
35 _____
36 Deputy Prosecuting Attorney
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44



County Executive

Approved as to form only:

Deputy Prosecuting Attorney